

IN THE SPECIFICATION:

On page 2, line 4, please replace "Not Applicable" with the following paragraph:

Not Applicable This application is a divisional of co-pending U.S. Patent Application Serial No. 10/267,436, filed October 8, 2002, entitled "FENCE SYSTEM WITH VARIABLE POSITION RAIL," which is a continuation of U.S. Patent Application Serial No. 09/232,118, filed January 15, 1999, now U.S. Patent No. 6,460,829, entitled "FENCE SYSTEM WITH VARIABLE POSITION RAIL," which applications are hereby incorporated by reference herein in their entireties, including but not limited to those portions that specifically appear hereinafter, the incorporation by reference being made with the following exception: In the event that any portion of the above-referenced applications is inconsistent with this application, this application supercedes said above-referenced applications.

On page 4, between lines 21 and 22, please insert the following as separate paragraphs:

FIG. 2B is a plan view of a first alternative embodiment of the plank of FIGS. 2 and 2A, showing two such first alternative planks intercoupled with a first joining device;

FIG. 2C is an isolated view of the first joining device of FIG. 2B;

FIG. 2D is a plan view of a second alternative embodiment of the plank of FIGS. 2 and 2A, showing two such second alternative planks intercoupled with a second joining device;

FIG. 2E is an isolated view of the second joining device of FIG. 2D.

On page 5, between lines 12 and 13, please insert the following as a separate paragraph:

FIG. 7C is a perspective view of a still further alternative embodiment of the spacer of FIG. 7A;

On page 17, at line 6, please replace the full paragraph with the following:

A cap means 104 is provided for covering a portion of the rail 12 and intercoupling the rail 12 and the fence planks 102 such that said cap means 104 resides between said rail 12 and said fence planks 102. The cap means 104 constitutes an elongate cap member configured and dimensioned to clamp onto the rail 12. The cap means 104, and the assembly of said cap means 104 with the fence planks 102 and rail 12, operate as shown in FIG. 10 to conceal from

view any screws, rivets or other fastening means used to fasten together the fence planks 102 to the cap means 104, such as screw member 103.

On page 18, at line 17, please replace the full paragraph with the following:

The cap means 104 is configured and dimensioned to cover at least a portion of the channel 28 and wherein the planks 102 are coupled to the cap means 104 such that the cap means resides between the rail 12 and the planks 102. The planks 102 may be referred to herein as "picket members," as item 102 is shown in FIG. 10 resembling a picket member in the manner that a "picket" is known to those skilled in the relevant field.